



Federal Communications Commission
Washington, D.C. 20554

December 19, 2008

DA 08-2737

Released: December 19, 2008

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

KVOA Communications, Inc.
K47DF
409 South Staples Street
Corpus Christi, Texas 78401

Re: KVOA Communications, Inc.
K47DF, Corpus Christi, Texas
Facility ID No. 51375
File No. BRTTA-20060403AWY

Dear Licensee:

This refers to your license renewal application for station K47DF, Corpus Christi, Texas.

Section 73.3526 of the Commission's Rules (Rules), 47 C.F.R. § 73.3526, requires a commercial broadcast licensee to maintain a public inspection file containing specific types of information related to station operations.¹ Pursuant to subsection 73.3526(e)(11)(ii), each commercial television broadcast station is required to place in its public inspection file, on a quarterly basis, records sufficient to allow substantiation of the licensee's certification, in its renewal application, of its compliance with the children's television commercial limits imposed by Section 73.670 of the Rules. Additionally, as set forth in subsection 73.3526(e)(11)(iii), each commercial television licensee is required to prepare and place in its public inspection file a Children's Television Programming Report (FCC Form 398) for each calendar quarter reflecting, *inter alia*, the efforts that it has made during the quarter to serve the educational and informational needs of children. Further, subsection 73.3526(e)(11)(i) provides that a TV issues/programs list is to be placed in a commercial TV broadcast station's public inspection file each calendar quarter. These subsections of Section 73.3526 require licensees to place such records concerning commercial limits, Children's Television Programming Reports, and TV issues/programs lists for each quarter in the station's public inspection file by the tenth day of the succeeding calendar quarter. Where lapses occur in maintaining the public file, neither the negligent acts nor

¹ See 47 C.F.R. § 73.3526.

omissions of station employees or agents, nor the subsequent remedial actions undertaken by the licensee, excuse or nullify the licensee's rule violation.²

On April 3, 2006, you filed a license renewal application (FCC Form 303-S) for station K47DF, Corpus Christi, Texas (File No. BRTTA-20060403AWY). In response to Section IV, Question 3 of the renewal application, you certified that, during the previous license term, station K47DF failed to place in its public inspection file at the appropriate times, all of the documentation required by Section 73.3526 of the Commission's Rules. In Exhibit 17, you indicated that during preparation of this renewal application, the station discovered that its TV issues/programs lists for the second quarter of 2001 and the first quarter of 2002 were missing from the public inspection file. Moreover, you reported that station K47DF's TV issues/programs list for the third quarter of 2003 was placed in its public file nine days late, and its Children's Television Programming Reports for the second quarter of 2001 and third quarter of 2003 were placed in its public file approximately one month and nine days late, respectively. In addition, you stated that the station's documentation reflecting its compliance with the children's television commercial limits for the third quarter of 2003 was placed in its public file nine days late.

Although we do not rule out more severe sanctions for violations of this nature in the future, we have determined that an admonition is appropriate at this time. Therefore, based upon the facts and circumstances before us, we ADMONISH you for the admitted violations of Section 73.3526(e)(11)(i)-(iii) of the Rules described in station K47DF's renewal application.

Accordingly, IT IS ORDERED that, a copy of this Letter shall be sent by First Class and Certified Mail, Return Receipt Requested to KVOA Communications, Inc. at the address listed above, and to its counsel, Kevin P. Latek, Esquire, Dow Lohnes PLLC, 1200 New Hampshire Avenue, N.W., Suite 800, Washington, D.C. 20036.

Sincerely,

Barbara A. Kreisman
Chief, Video Division
Media Bureau

² See *Padre Serra Communications, Inc.*, 14 FCC Rcd 9709 (1999) (citing *Gaffney Broadcasting, Inc.*, 23 FCC 2d 912, 913 (1970) and *Eleven Ten Broadcasting Corp.*, 33 FCC 706 (1962)); *Surrey Range Limited Partnership*, 71 RR 2d 882 (FOB 1992).